IN THE HIGH COURT OF PUNJAB & HARYAN AT CHANDIGARH

R.S.A. No. 2965 of 2006(O&M)
Date of decision: January 30,2007

Mohammad Khan V.State of Haryana and others

CORAM: HON'BLE MR.JUSTICE VINEY MITTAL

Present: Shri Sanjay Vij ,Advocate, for the appellant.
Shri Sidharath Sarup, Assistant Advocate General,Haryana for respondents No.1 and 2.

Viney Mittal,J.(Oral)

For the reasons stated in the application, delay in filing the present appeal is condoned.

The plaintiff is in second appeal. In a suit for declaration and for possession, he has lost concurrently before the two courts below.

It emerges from the record that plaintiff had filed a suit claiming the declaration of surplus area of land in the hands of Sugra as illegal and bad. Both the courts below have rejected the claim made by the plaintiff.

Besides the findings on merit, it is also apparent that suit filed by the plaintiff seeking a declaration and challenging the declaration of surplus area, was not even legally maintainable before the civil court. The jurisdiction of the civil court is specifically barred.

Nothing has been shown that the findings recorded by the two Courts below suffer from any infirmity or are contrary to the record.

No question of law, much less any substantial question of law, arises in the present appeal.

Dismissed.

January 30,2007 (Viney Mittal)
sks Judge